

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

Criminal No.  
04-10017-GAO

UNITED STATES OF AMERICA

v.

WILLIAM P. SMALLWOOD

**FINAL STATUS REPORT**

May 19, 2004

DEIN, M.J.

A Final Status Conference was held before this court on Wednesday, May 19, 2004, pursuant to the provisions of Local Rule 116.5(C). Based on that conference, this Court enters the following report, in accordance with Local Rule 116.5(D):

1. The defendant intends to enter a plea. However, the plea agreement is not yet signed.
2. Discovery is completed.
3. There are no outstanding discovery issues. The defendant does not anticipate filing any dispositive motions.
4. Based upon the prior orders of the court dated March 24, 2004 and May 5, 2004, at the time of the Final Status Conference on May 19, 2004 there were thirteen (13) days of non-excludable time under the Speedy Trial Act (March 11-23, 2004), and fifty-seven (**57**) days remaining under the Speedy Trial Act in which this case must be tried.<sup>1</sup>

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<sup>1</sup> Additionally, however, the parties having reported that the defendant has indicated an intention to enter a plea of guilty, this court hereby orders the entry of excludable time, pursuant to the provisions of 18 U.S.C. § 3161(h)(1), commencing on this date, and concluding at the time the defendant offers a plea or unequivocally communicates to the court that the defendant does not intend to offer a plea of guilty. See United States v. Mentz, 840 F.2d 315, 330-31 (6<sup>th</sup> Cir. 1988).

5. No trial is anticipated. However, the parties estimate that if the case goes to trial, the trial will last approximately 2-3 days.
6. The file is hereby ordered returned to the District Judge to whom this case is assigned for further proceedings.

/ s / Judith Gail Dein  
Judith Gail Dein  
United States Magistrate Judge